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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,855	02/19/2002	Seiji Kozaki	2611-0176P	2469

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EXAMINER
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PHAN, HANH

ART UNIT	PAPER NUMBER
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2638

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/049,855	<b>Applicant(s)</b> KOZAKI ET AL.	
	<b>Examiner</b> Hanh Phan	<b>Art Unit</b> 2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Pre-Appeal Brief request for review filed on 01/05/2006.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-Claim 11 recites the limitation "**the band allocation control step of**" in line 10. There is insufficient antecedent basis for this limitation in the claim.

-Claim 11 recites the limitation "**the data transmission control step of**" in line 10. There is insufficient antecedent basis for this limitation in the claim.

-Claim 13 recites the limitation "**the detection step of**" in line 10. There is insufficient antecedent basis for this limitation in the claim.

-Claim 13 recites the limitation "**the band request step of**" in line 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuki et al. (US Patent No. 6,778,557) in view of Petersson et al (US Patent No. 6,909,719).

Regarding claims 1, 9 and 11, Yuki et al. teach an optical burst transmission / reception control system comprising:

a plurality of slave station apparatuses (10-1, 10-2,..., Fig.1) which commonly use a transmission band (col.1, lines 16-23), and

a host station apparatus (20, Figs. 1 and 3) which posts band allocation information for controlling of use transmission bands (Fig.12, col.19, lines 39-42, 53-59) of said slave station apparatuses (10, Figs. 1 and 2) to said slave station apparatuses, wherein said respective slave station apparatuses transmit data to said host station apparatus (Col.2, lines 50-54 and Col. 63, lines 38-39) based on the band allocation information posted from said host station apparatus (Col.2, 25-28), wherein said host station apparatus has band allocation control unit (27, Fig.3, 802 Fig.80), and when the band allocation control unit controls band allocation for a slave station apparatus which does not identify a type of data to be transmitted (Col.5, lines 38-41, Col.74, lines 3-5), said band allocation control unit posts band identification information including

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identification of the slave station apparatus to the slave station apparatus (Col.5, lines 33-37). Yuki et al. further teach the said plurality their slave station apparatuses (Col.64, lines 14-19), which identify a type of data to be transmitted (Col.63, lines 4-7), have a data transmission control unit (17, Fig.80).

Yuki et al. differ from claims 1, 9 and 11 in that Yuki et al. do not teach a band allocation control unit of a host station that differentiates between two classes of slave units: a first class of slave unit that can identify a type of data being transmitted; and a second class of slave unit that can not identify the type of data being transmitted and the band allocation control unit sends different band identification information depending on the type of slave unit . However, Pertersson in US Patent No. 6,909,719 teaches a band allocation control unit of a host station that differentiates between two classes of slave units: a first class of slave unit that can identify a type of data being transmitted; and a second class of slave unit that can not identify the type of data being transmitted and the band allocation control unit sends different band identification information depending on the type of slave unit (col. 3, lines 59-67 and col. 4, lines 1-19). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention was made to incorporate the band allocation control unit of a host station that differentiates between two classes of slave units: a first class of slave unit that can identify a type of data being transmitted; and a second class of slave unit that can not identify the type of data being transmitted and the band allocation control unit sends different band identification information depending on the type of slave unit as taught by Pertersson into the system of Yuki et al. One of ordinary skill in the art would have been

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motivated to do this since Petersson suggests in column 3, lines 59-67 and col. 4, lines 1-19 that using such the band allocation control unit of a host station that differentiates between two classes of slave units: a first class of slave unit that can identify a type of data being transmitted; and a second class of slave unit that can not identify the type of data being transmitted and the band allocation control unit sends different band identification information depending on the type of slave unit has advantage of allowing providing multiple quality of service classes to subscribers in a network.

Regarding claim 2, Yuki et al. further teach the host station a management information (PLOAM: Physical Layer Operations Administration and Maintenance) cell respective slave station apparatuses (For example, Col.14, lines 13-33, where Physical Layer Operation Administration Management (PLOAM) cell contains management information).

Regarding claim 3, Yuki et al. further teach the information is use authorizing information of time band allocation slots defined a transmission direction from said slave station apparatuses to said host station apparatus (For example, slave stations send data information to master station based on the master's introduction in time slot is show in Fig.57, Col.69, 9-11, Col. 46, lines 14-18, Col.13, lines 2 and 6).

Regarding claim 4, Yuki et al. further teach the data types are types of fixed-speed data (Col.5, 9-15) and burst data (Col.24, lines 61-62, Col.59, lines 66-67, Col.60, lines 5-8) request intermittently or temporarily.

Regarding claim 5, Yuki et al. further teach a band request detection unit (711

and 712, Fig.82, Col.70, lines 44-48, where "guaranteed-service input data" includes burst type of data according to Col.39, lines 44-49) which detects generation of band request (Col.70, lines 60-65), and wherein said band allocation control unit (802, Fig.80 and 27, Fig.3), as initial setting, allocates a band (804, Fig.80) to fixed speed data (Fig.56, Col.46, lines 37-39), and when said band request detection unit (812, Fig.83) detects band request, said band allocation control unit allocates a band to burst data (Col.60, lines 12-15, Col.72, lines 5-11, where "guaranteed-service input data" includes burst type of data according to Col.39, lines 44-49) which are newly generated.

Regarding claim 6, Yuki et al. teach the slave station apparatuses further have a band request unit (711, 712, Fig.82, Col.70, lines 44-47, wherein "guaranteed-service input data" includes burst type of data according to Col.39, lines 45-49) which, requests said host station apparatus to allocate band to the burst data (Col.60, lines 12-15, Col.72, lines 5-11, where "guaranteed-service input data" includes burst type of data according to Col.39, lines 44-49).

Regarding claim 12, the combination of Yuki and Petersson teaches the band allocation information posted at said band allocation control step is information about a plurality grouped data types (Col.39, lines 45-48 of Yuki and col. 3 of Petersson, lines 59-67 and col. 4, lines 1-19).

Regarding claim 13, the combination of Yuki and Petersson teaches the detection step further comprising: detecting as whether or not burst data are input into said slave station apparatuses by said slave station apparatuses, which identify a type of data to be transmitted, and the band request step of when the detection step detects

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the burst data to said host station apparatus, wherein when said host station apparatus detects the band request, said band allocation control step posts the band request including the band allocation information about the burst data said slave station apparatuses (col. 3 of Petersson, lines 59-67 and col. 4, lines 1-19).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-6, 9 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye, can be reached on (571)272-3078. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
**HANH PHAN**  
**PRIMARY EXAMINER**